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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/081,133

02/22/2002

Juhani Peuramaki

72989

8534

22242

7590

03/09/2004

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EXAMINER

JACKSON, MONIQUE R

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/081,133

Applicant(s)

PEURAMAKI, JUHANI

Examiner

Monique R Jackson

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 3-11, 19, 22 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 12-18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/22/03</u> . | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. Applicant's election of Group I, Claims 1, 2, 12-18, 20 and 21 in Paper No. 6, filed 9/22/03, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 3-11, 19, 22 and 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected election, there being no allowable generic or linking claim. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 1-2, 12-18 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1 and 12 recite the limitation "at least two adhesion layers" however upon review of the original disclosure at the time of filing, it is noted that though the specification provides support for one or two adhesion layers, the specification does not provide support for more than two adhesion layers. In all of the examples, there are only two adhesion layers present in the coating, never more than two. Therefore, considering the term "**at least two**

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adhesion layers” (emphasis added) encompasses three and more adhesion layers, the Examiner takes the position that the limitation “at least two adhesion layers” was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Further, it is noted that Claim 18 recites the limitation “the adhesion layer is a lacquer layer” however the original disclosure only provides support for a lacquer adhesion layer with respect to adhering the aluminum layer (metal layer) of the coating to the polyurethane or polystyrene insulation (insulation layer) not any of the adhesion layers wherein it is unclear whether the term “the adhesion layer” in Claim 18 refers to a particular adhesion layer considering Claim 18 ultimately corresponds to Claim 1 which includes more than one adhesion layer given the term “at least two adhesion layers”.

***Claim Rejections - 35 USC § 102***

5. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoshiga et al (USPN 5,024,891.) Yoshiga et al teach a polyamide resin-metal laminate comprising a metal substrate, such as aluminum, having a heat-treated adhesive coating on its surface (*a lacquer adhesion layer*), and a polyamide resin, such as nylon 6 or nylon 6,6 (*plastic that crystallizes when heated*), laminated on the coating layer of the substrate via extrusion lamination and then further heat treating the laminate at a temperature at the level of at least the softening temperature of the polyamide resin (Abstract; Col. 1, lines 4-18; Col. 1, line 63-Col. 2, line 8; Col 3, lines 30-33 and lines 46-56; Col. 4, lines 1-6.)

6. Claims 1, 2, 12-18, and 20-21 are rejected under 35 U.S.C. 102(b) as being unpatentable over Tebbe (USPN 5,753,378.) Tebbe teaches a laminated structural material comprising a

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cellulose core material (2) (*reads on insulation material or layer*) and a covering layer (3) laminated to the core via an adhesive layer (26); wherein the covering layer includes a plastic foil or foil layers (6,7), preferably a polyamide (*plastic that crystallizes when heated*) gauze (6) and a polyester film (7), laminated via adhesive layers (8) to metal foil layers (4, 5), preferably aluminum foil, which are laminated to the core material via adhesive layer (26); wherein the Examiner takes the position that an adhesive layer is an adhesive layer whether it is applied as a lacquer, paste, etc., and hence the adhesive layers of Tebbe read on the instantly claimed lacquer adhesive layer (Abstract; Figure 1; Col. 2, lines 50-Col. 3, line 10; Claims.)

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 2, and 12-15 have been considered but are moot in view of the new ground(s) of rejection.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ogawa (USPN 5,627,219) teaches a foamed plastic laminate comprising a foam layer covered by an airtight film, such as nylon or other plastic films, metal deposition film, or a laminated film containing a thermosensitive adhesive layers, wherein the laminate preferably including a metal or aluminum foil layer.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 571-272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson  
Primary Examiner  
Technology Center 1700  
March 1, 2004